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December 6, 2019

So Ordered this 9th day
of December, 2019

KAREN M. WILLIAMS
UNITED STATES MAGISTRATE JUDGE

via CM/ECF Filing Only:

Hon. Karen M. Williams, U.S.M.J.
Mitchell H. Cohen Building
& U.S. Courthouse
4th & Cooper Streets
Camden, NJ 08101

Re: Skelton v. NJ Department of Corrections, et al.
Civ. Dkt. No. 1:19-cv-18597-RMB-KMW

Dear Your Honor:

Undersigned counsel writes to the court as prospective counsel for Defendants NJDOC, Hicks, and Johnson. For the reasons set forth below, I respectfully ask that the Court extend these Defendants' time to answer, move, or reply in this matter until ~~no~~ sooner than February 7, 2020.]

First, additional time is needed to determine whether representation in this case is appropriate. Yesterday, December 5, 2019, undersigned counsel received a copy of the complaint and requests for representation from Defendants NJDOC and Hicks. Upon receipt of a representation request, the Office of the Attorney General conducts a brief initial investigation on potential conflicts of representation, and whether the employee should be denied representation. See Model Rules of Prof'l Conduct R. 1.7; Model Rules of Prof'l Conduct R. 1.8; N.J.S.A. 59:10A-2 (the Attorney General may refuse to provide for the defense of actions outside the scope of employment, or due to actual fraud, willful misconduct, or actual malice on the part of the employee). As our office has only just received these documents, additional time is needed to complete this initial review and determine whether representation is appropriate.



Second, assuming representation is appropriate, additional time is needed to review and investigate Plaintiff's allegations in this case. Having only just received Plaintiff's complaint, additional time is needed to confer with the Defendants and determine information necessary to answer, move, or reply. Plaintiff's Complaint indicates it attempts to bring a class action which may cover "thousands of Class Members." See Plaintiff's Complaint, ¶ 22. The Complaint alleges deficiencies in specific enzymes, vitamins, proteins, and other matters that will be time-consuming to investigate and address. As a result, there is good cause to provide an extension of time to respond.

Finally, undersigned counsel is cognizant of likely delays in obtaining information on this case in the coming month. In December, many state employees are on vacation with "use or lose" vacation time which expires if unused before January 1. Due to anticipated vacations for this and for the winter holidays, undersigned counsel candidly expects investigation of this matter to take more time than would usually be required.

Undersigned counsel called Solomon Radner, Esq. to request his consent to this request this afternoon. Mr. Radner could not be reached and a voicemail message was left - counsel did not speak personally to him prior to the filing of this request.

Sincerely yours,

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY

By: s/Michael Vomacka
Michael Vomacka
Deputy Attorney General

cc:

All counsel of record, via CM/ECF Filing